

REMARKS

Status of Claims

Claims 1-26 are pending in the application. Claims 9, 10, 14-16 and 21-24 are withdrawn. Claims 1 and 12 are amended by this paper. Claim 26 is canceled.

No new matter is introduced into the application by way of this amendment. The limitations of dependent claim 26 have been incorporated into claims 1 and 12, and claim 26 has been canceled.

Accordingly, entry of this amendment is respectfully requested.

Rejections under 35 U.S.C. §102(b) & 103(a)

At page 2 of the Office Action, claims 1-8, 11, 17-20, 25, and 26 stand rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) over U.S. Patent No. 4,220,579 to Rinehart, U.S. Patent No. 4,239,862 to Matthews, or U.S. Patent No. 4,311,628 to Abdou-Sabet et al., for reasons cited in prior Office Actions. For the following reasons, this rejection is respectfully traversed.

The Examiner asserts on page 4 of the Office Action:

A 102/103 rejection is appropriate when the reference discloses all of the compositional limitations of a claim except a property or function and the examiner cannot determine whether or not the composition of the reference inherently possesses properties which anticipate or render obvious the claimed invention.

It is noted that claims 1 and 12 are currently amended to include the limitations of claim 26. Neither Rinehart '579, Matthews '862, nor Abdou-Sabet '628, disclose cutting low molecular weight components from a paraffinic oil as recited in the present claims. Accordingly, the references do not disclose all of the compositional limitations recited in the present claims, and there is no longer a proper basis for a 102/103 rejection.

In addition, Applicants submit with this amendment a **Declaration** from Yuichi Itoh, which demonstrates unexpected results from the presently claimed olefinic thermoplastic elastomer compositions. As may be seen from the Itoh Declaration, the presently claimed compositions achieve unexpectedly superior antifogging properties by cutting low molecular weight components from a paraffinic oil. See Hazing property, page 2, Table 1.

In light of the current claim amendments, the Itoh Declaration, and the comments given above, it is respectfully requested that this rejection now be withdrawn.

At page 3 of the Office Action, claims 1-8, 11-13 and 17-20, 25, and 26 stand rejected 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) over U.S. Patent No. 4,728,692 to Sezaki et al. (Sezaki '692), for reasons cited in prior Office Actions. For the following reasons, this rejection is respectfully traversed.

Sezaki also does not disclose or suggest all of the compositional limitations of the present claims. Sezaki does not disclose or suggest cutting low molecular weight components from a paraffinic oil as recited in the present claims. Therefore, for the same reasons as discussed above, a §102/103 rejection over Sezaki '692 can no longer be maintained.

In addition, the presently claimed olefinic thermoplastic elastomer compositions demonstrate unexpected results over prior art compositions. As demonstrated by the attached Itoh Declaration, the presently claimed compositions achieve unexpectedly superior antifogging properties by cutting low molecular weight components from a paraffinic oil. See Hazing property, page 2, Table 1. This is neither disclosed nor suggested by Sezaki.

Accordingly, in light of the current claim amendments and the comments given above, it is respectfully requested that this rejection be withdrawn.

Conclusion

Applicants respectfully submit that all rejections have been overcome. An early reconsideration and Notice of Allowance are earnestly solicited.


Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$120.00 is attached.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact J. Mark Konieczny (Reg. No. 47,715) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: September 19, 2005

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachments: Declaration under 37 C.F.R. §1.132 (by Yuichi Itoh)

Y. Itoh